

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

CEASE AND DESIST ORDER NO. 99-41

**UNITED STATES MARINE CORPS, CAMP PENDLETON
PLANT NO. 1 (HEADQUARTERS PLANT)
PLANT NO. 2 (SAN LUIS REY)
PLANT NO. 3 (CHAPPO)
PLANT NO. 8 (SANTA MARGARITA)
PLANT NO. 13 (TWIN LAKES)
SAN DIEGO COUNTY**

The California Regional Water Quality Control Board, San Diego Region, (hereinafter Regional Board) finds that:

1. On August 11, 1994, this Regional Board adopted Order No. 94-51, National Pollutant Discharge Elimination System (NPDES) No. CA0108863, *"Waste Discharge Requirements for the United States Marine Corps Camp Pendleton Five Wastewater Treatment Facilities Discharging Treated Waste in the Santa Margarita River Watershed, San Diego County"*. Order No. 94-51 updated Order No. 87-07, 87-08, 87-09, 87-10, and 87-15, for Plants 1, 2, 3, 8, and 13, respectively. Order No. 94-51 establishes requirements for the disposal of up to 6.61 million gallons per day of treated wastewater from the five sewage treatment facilities to the Santa Margarita River Watershed.
2. On August 11, 1994, this Regional Board also adopted Cease and Desist Order (CDO) No. 94-52, *"United States Marine Corps, Camp Pendleton, Plant No. 1 (Headquarters), Plant No. 2 (San Luis Rey), Plant No. 3 (Chappo), Plant No. 8 (Santa Margarita), Plant No. 13 (Twin Lakes), San Diego County"*. CDO No. 94-52 updated the compliance time schedule, consolidated the requirements of the five individual CDOs issued to the United States Marine Corps in 1989 and amended in 1991, and updated the interim effluent limitations. The five original CDOs were issued for violating discharge specifications contained in the Marine Corps' NPDES permits.
3. On September 12, 1996, the Regional Board adopted Addendum No. 1 to CDO No. 94-52. By letter dated August 7, 1996, the U.S. Marine Corps requested revised CDO compliance dates to account for delays in achieving compliance. The compliance project was based on the use of the City of Oceanside's ocean outfall to dispose of treated effluent from Treatment Plant Nos. 1, 2, 3, 8, and 13. The U.S. Marine Corps established May 31, 1999 as the date on which full compliance with NPDES Order No. 94-51 would be achieved. The new date extended the construction schedule from 12 months to 24 months. It also provided additional time to accommodate the breeding seasons of endangered species, to allow for work stoppage during the rainy season, and to allow project phasing required by the City of Oceanside to avoid construction during the tourist season.

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4. By letter dated September 16, 1997, the U.S. Marine Corps notified the Regional Board that, despite having received approval by the City of Oceanside's Planning Commission and its Utilities Commission, the Oceanside City Council on September 3, 1997, rejected the proposal for the discharge of wastewater to the ocean outfall. This letter also reported the U.S. Marine Corps' intention to consider alternative ways to achieve full compliance within the time schedule established in Addendum No. 1 to CDO No. 94-52.
5. By letter dated November 12, 1997, the U.S. Marine Corps provided the Regional Board with the alternative plan they proposed to implement to comply with NPDES Order No. 94-51. This alternative plan consisted of enlarging and upgrading their then proposed Lemon Grove Percolation Pond Facility in order to provide sufficient capacity to dispose of effluent from Treatment Plant Nos. 1, 2, 3, 8, and 13. The anticipated completion date for this alternative plan was within the time schedule date of May 31, 1999, established in Addendum No. 1 to CDO No. 94-52.
6. The November 12, 1997 letter also reported the consideration of a long-term solution that would provide tertiary treatment for each plant's effluent and implement a non-potable recycled water program. This long-term option, however, was stated as not achievable within the CDO No. 94-52 time schedule due to the length of time required to secure adequate funding through an appropriation from the United States Congress.
7. By letter received February 16, 1999, the United States Environmental Protection Agency (USEPA) requested that the Regional Board consider extending the final compliance date of CDO No. 94-52 beyond May 31, 1999. The basis for the request for the three to six-month extension was to allow for a full evaluation of the potential environmental impacts of the use of the proposed vertical sand drains in conjunction with the Lemon Grove Percolation Pond Facility. Similar concerns regarding these potential impacts were also expressed by the U.S. Fish and Wildlife Service and the California Coastal Commission. Issues of concern included the surfacing of ground water in lower elevation wetlands due to fluctuating ground water levels, and adverse impacts to riparian, estuarine, and wetland habitats and indigenous plant and animal species.
8. By letter received April 28, 1999, U.S. Marine Corps Base, Camp Pendleton, requested that the Regional Board consider extending the compliance date of CDO No. 94-52. An extension was requested to allow for the completion of a final compliance project study and time schedule. This study, scheduled for completion no later than June 7, 1999, also provided the necessary justification for a new construction project that would result in a tertiary treatment facility for the effluent from Treatment Plant Nos. 1, 2, 3, 8, and 13. The additional time would also allow for the reinitiation of negotiations with the City of Oceanside for use of its ocean outfall, as recommended by the Regional Board during the Board meeting of April 14, 1999. This letter also stated that, due to continued opposition from USEPA, the proposed plan to utilize the Lemon Grove Percolation Pond Facility for the disposal of secondary treated effluent had been eliminated.
9. On May 12, 1999, the Regional Board adopted Addendum No. 2 to CDO No. 94-52. Addendum No. 2 extended the compliance date of CDO No. 94-52 to August 11, 1999. It also established July

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7, 1999, as an interim milestone date for the completion and submittal of a proposed long-term compliance plan. The extension of the compliance date from May 31, 1999, to August 11, 1999, was intended to allow the U.S. Marine Corps to reinstitute negotiations with the City of Oceanside for the use of its ocean outfall, and to submit a plan and time schedule for final compliance with NPDES Order No. 94-51.

10. By letter dated July 7, 1999, U.S. Marine Corps Base, Camp Pendleton, submitted a compliance progress report pursuant to Addendum No. 2 to CDO No. 94-52. The letter reported that a meeting between Camp Pendleton and Oceanside representatives occurred on June 30, 1999. The two parties established the primary goals of making a final decision by July 30, 1999, on the selection of a pipeline route for Camp Pendleton's proposed connection to the Oceanside ocean outfall, and to sign an agreement by December 31, 1999, for Camp Pendleton's potential short-term use of the ocean outfall. The goal of this proposed short-term compliance project will be to provide Camp Pendleton with access to the ocean outfall in order to eliminate the multiple discharges of secondary treated wastewater to the Santa Margarita River (SMR).
11. The July 7, 1999 letter also reported the concurrent development of a military construction project to upgrade existing Wastewater Treatment Plant Nos. 1, 2, 3, 8, and 13 to provide for tertiary treatment with nutrient removal. Camp Pendleton anticipates that the proposed long-term compliance project will be forwarded to Headquarters Marine Corps, Washington, D.C., by December 31, 1999. Based on the Marine Corps' standard time requirements for military construction projects, Camp Pendleton estimates full compliance with NPDES Order No. 94-51, as renewed and/or revised, no later than December 31, 2005. A detailed final plan and time schedule for the proposed project was not provided with their July 7, 1999 letter.

When the proposed long-term compliance project is complete, Camp Pendleton wastewater effluent from Treatment Plant Nos. 1, 2, 3, 8, and 13 will receive a combination of tertiary treatment (full secondary treatment with nutrient removal) for any discharges to the SMR watershed excluding reclamation use, and secondary treatment meeting Title 22 standards for any agricultural irrigation. The project further proposes that the effluent will then be discharged as either recycled water for Camp Pendleton irrigation needs, or discharged to ground or surface waters pursuant to Waste Discharge Requirements (WDR) or NPDES permit requirements, respectively, as promulgated by the Regional Board.

12. NPDES Order No. 94-51 expires on August 11, 1999. U.S. Marine Corps Base, Camp Pendleton, failed to submit sufficient information for a renewed and revised Order to be presented for adoption at the August 11, 1999 Regional Board meeting. At the September 8, 1999 Regional Board meeting, staff intends to present to the Regional Board for adoption renewed and revised NPDES permits. NPDES Order No. 94-51 will be reissued as multiple NPDES permits to account for the multiple points of discharge to the SMR. This Cease and Desist Order shall be referenced to NPDES Order No. 94-51, as renewed and/or revised.
13. The Regional Board has notified all known interested parties of its intent to supercede CDO No. 94-52 with CDO No. 99-41.

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14. The Regional Board, in a public hearing held on August 11, 1999, heard and considered all comments pertaining to the adoption of Cease and Desist Order No. 99-41.
15. This enforcement action is exempt from the provisions of the California Environmental Quality Act in accordance with the California Administrative Code, Title 14, Section 15308.

IT IS HEREBY ORDERED, that pursuant to California Water Code Section 13301:

1. The United States Marine Corps shall achieve compliance with the requirements of Discharge Specification B. of Order No. 94-51, as renewed and/or revised, in accordance with each element of the following time schedule:

TABLE 1

TASKS ¹		COMPLETION DATES	REPORT DATES
A.	Submit report of progress made in the negotiations with the City of Oceanside for use of its ocean outfall.	October 31, 1999	November 15, 1999
B.	If agreement is reached with the City of Oceanside for use of its ocean outfall, submit report detailing the final agreement. If agreement is not reached, submit a letter notifying the Regional Board that negotiations have ceased and the details therein.	December 31, 1999	January 15, 2000
C.	As presented to Headquarters Marine Corps on or before December 31, 1999, submit copy of long-term compliance plan and time schedule for providing tertiary treatment with nutrient removal and recycling.	December 31, 1999	January 15, 2000
D.	If an agreement was made with the City of Oceanside, submit quarterly progress reports on project to connect to Oceanside's ocean outfall. The first report is due on April 15, 2000 for the 1 st quarter of 2000.	1 st Quarter: March 31 2 nd Quarter: June 30 3 rd Quarter: September 30 4 th Quarter: December 31	1 st Quarter: April 15 2 nd Quarter: July 15 3 rd Quarter: October 15 4 th Quarter: January 15
E.	Submit quarterly reports for long-term compliance project as described in Task C.	1 st Quarter: March 31 2 nd Quarter: June 30 3 rd Quarter: September 30 4 th Quarter: December 31	1 st Quarter: April 15 2 nd Quarter: July 15 3 rd Quarter: October 15 4 th Quarter: January 15

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TASKS ¹	COMPLETION DATES	REPORT DATES
F. If an agreement was made with the City of Oceanside, submit notification of Oceanside outfall project completion and proposed initiation of wastewater discharge to outfall. Submit new Report of Waste Discharge.	Completion date dependent on negotiations with the City of Oceanside	No less than 180 days prior to proposed discharge to outfall
G. Submit notification of long-term compliance project completion and new Report(s) of Waste Discharge (RWD). Include RWD for each discharge point to surface waters, and a RWD for any land discharge.	September 8, 2004	No later than March 8, 2004, and no less than 180 days prior to proposed discharge to SMR and recycling

¹ All reports submitted shall include details of the applicable proceedings, and updated funding, design, and construction time lines. The reports shall indicate any deviations from previously reported funding, design, or construction time lines, the cause of the deviations, and the corrective actions taken to return the project(s) to the appropriate compliance schedule(s). Each report is due to this office no later than the report date listed for the task, and will include an additional complete copy for USEPA review.

Furthermore, full compliance with NPDES Order No. 94-51, as renewed and/or revised, shall be achieved no later than September 8, 2004.

- Until compliance with the requirements of Discharge Specification B. of NPDES Order No. 94-51, as renewed and/or revised, is achieved in accordance with the time schedule in Directive No. 1 of this Order, the United States Marine Corps shall comply with Discharge Specification B. of NPDES Order No. 94-51, as renewed and/or revised, except as follows:

TABLE 2

CONSTITUENT	UNITS	30-DAY AVERAGE ¹	DAILY MAXIMUM ²
Total Dissolved Solids	mg/L	1100	1200 ³
	lb/Day	-----	-----
Total Nitrogen	mg/L	****	****
	lb/Day	****	****
Total Phosphorus	mg/L	****	****
	lb/Day	****	****

Table 2 Notes:

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- The mass emission rates (MER) shall be based on the design flow of each individual Treatment Plant, as stated in Order No. 94-51, as renewed and/or revised.
- ***** Requirements of Discharge Specification B. of NPDES Order No. 94-51, as renewed and/or revised, for these constituents are temporarily suspended until short and/or long-term compliance with NPDES Order No. 94-51, as renewed and/or revised, is achieved as described in Findings No. 10 and No. 11, and in Directive No. 1 of this Order. Other than the discharge specification changes made in Directive No. 2 of this Order, all other discharge specifications of NPDES Order No. 94-51, as renewed and/or revised, remain in effect.
- ¹ The 30-day average shall be the arithmetic mean, using the results of analysis of all samples collected during any 30 consecutive calendar day period.
- ² The daily maximum shall be determined from the maximum sample result of all samples collected in a calendar day (of grab samples or from the results of composite samples collected over a period of 24 hours). The daily maximum results for total coliform shall be determined from the results of any grab sample.
- ³ The daily maximum concentration shall not exceed 1200 mg/L or the concentration equal to the total dissolved solids concentrations found in the potable water supplies distributed in the Base's service area, plus an incremental increase equal to the typical incremental increase added to the water supply which has been used for domestic purposes.

PROVISIONS

1. The tasks in the time schedule of Directive No. 1 of this Order shall be completed and reports shall be filed with the Regional Board no later than the report dates specified in Directive No. 1 of this Order.
2. Nothing in this Order shall be construed to relieve the United States Marine Corps from civil or criminal penalties resulting from violations of Order No. 94-51, as renewed and/or revised, NPDES Permit No. CA0108863.
3. The requirements prescribed by this Order supersede the requirements prescribed in Cease and Desist Order No. 94-52. This Cease and Desist Order becomes effective on the date of adoption by the Regional Board.

I, John H. Robertus, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board on August 11, 1999.

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JOHN H. ROBERTUS
Executive Officer